

## AMMENDED VERSION—August 9, 2011

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### MISSOURI RIVER

#### **Holter Dam to ~~mouth of Dearborn River~~ Cascade Bridge**

- Combined Trout: ~~4~~ 3 rainbow trout (~~any size~~) daily and in possession, *only 1 over 18 inches, only 1 may be a brown trout.* ~~and 1 brown trout (22-inch minimum) daily and in possession.~~
- Walleye: ~~No limit.~~ 20 daily and 40 in possession

#### **~~Craig Bridge to Sheep Creek Bridge~~**

- ~~Spearing open for up to 5 whitefish daily with rubber or spring propelled spears by persons swimming or submerged.~~

#### **~~Mouth of Dearborn River to Cascade Bridge~~**

- ~~Combined Trout: 3 rainbow trout daily and in possession, only 1 over 16 inches and 1 brown trout daily and in possession, 22-inch minimum.~~
- ~~Walleye: No Limit.~~

#### **Cascade Bridge to Black Eagle Dam**

- Walleye: 20 daily and 40 in possession

Rationale: *Trout Limit Proposal:* There is no current biological need for different regulations in these two reaches of the river (Holter Dam to the Dearborn and the Dearborn to Cascade Bridge). The regulation change would simplify the trout regulations on the river. The proposed trout limit was selected to maintain the average number of fish each angler can keep over the entire reach: currently an angler can keep two trout upstream of the Dearborn and four trout downstream of the Dearborn, we selected a limit of three trout. The current regulations for rainbow trout in these reaches were implemented to safeguard trout populations against whirling disease. Subsequent monitoring has shown no significant decline in the catchable rainbow trout population levels. Consequently, these complex regulations are not necessary and simplification is deemed warranted. The proposed length limit for rainbow trout and brown trout (1 over 18 inches) is made to match the Central Fishing District standard limit. The current brown trout 22-inch minimum was adopted to allow the harvest of a trophy fish. Data from population surveys show that only 0.9% of the fish handled would be available for harvest as a trophy fish. Implementing the “only one over 18 inches” provision would allow a greater percent (20%) of the fish handled to be potentially available for harvest as a trophy. The Craig Bridge to Sheep Creek Bridge spearfishing regulation was originally requested by a group of local divers. The group does not appear to be active anymore, which makes the regulation unneeded and is proposed for deletion. These proposed changes are generally in line with sentiments expressed during the Public Scoping Process. Anglers were asked if they would support simplification and standardization of regulations on the Missouri and Smith Rivers. 13 respondents gave either a “yes” or “qualified yes” answer to this question, while only 1 respondent said “no.” When asked if anglers thought spearfishing on the Missouri River is appropriate, 12 respondents gave a “no,” while no one spoke in favor of the existing regulation.

*Walleye Limit Proposal:* In May of this year, the FWP Commission received a petition from Walleyes Unlimited of Montana containing over 780 signatures which requested that the “No Limit” regulation for walleye between Holter Dam and Cascade be eliminated and replaced with

the District-wide standard of 5 daily and 10 in possession. When the No Limit regulation was considered by the FWP Commission in 2010, FWP agreed that raising the walleye bag limit in the prime trout waters was warranted and would meet the objective to prevent predation problems in the future. However, FWP also believed that to justify a No Limit regulation, the threats and risks from walleye and whirling disease would have to be acute and severe; something that FWP did not believe to be the case. Recent information collected during fall 2010 electrofishing surveys reinforces the need to maintain a high limit on walleye. The number of walleye collected in the Craig section during the October rainbow trout estimates was 120, far higher than the previous high year (71 in 2008). In addition, high flows in the Missouri system in both 2010 and 2011 have flushed many walleye from upstream reservoirs. Evidence of high rates of flushing this year include the numerous anglers fishing for walleye below Holter Dam this spring and catching walleye which had been tagged upstream in Holter Reservoir. These findings suggest the trend in walleye numbers in the river has been increasing rather than decreasing. In addition, an ongoing evaluation of stomach samples of walleye captured on the river has revealed that salmonids are utilized by walleye in the upper reaches of the river. Because of these biological data, FWP cannot support reversion to the District-wide standard as proposed by Walleyes Unlimited. However, FWP recommends to the Commission that the No Limit be changed to 20 daily and 40 in possession from Holter Dam to Cascade Bridge, because: 1) the No Limit regulation is seen by some walleye anglers as a stigma and a devaluation of the walleye as a sport fish; 2) the fishing pressure for walleyes and daily catch rates are currently low, with few people apparently catching more than 20 fish per day, meaning that there would be no real difference in total harvest between No Limit and 20 daily and 40 in possession; 3) changing the limit to 20 daily and 40 in possession will standardize walleye limits on the Missouri from Holter Dam to Black Eagle Dam and thereby simplify enforcement; and 4) a 20 daily and 40 in possession for walleye is expected to provide adequate harvest rates that prevent walleye from impacting rainbow and brown trout at the population level.

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